

this ball game, where we take on the gentleman from Ohio [Mr. OXLEY] and his mighty group of dunkers over there on the Republican side of the aisle.

CONCERNS ABOUT MEDICARE LOBBYING

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, two groups came to Washington this week with concerns about the GOP Medicare cuts. One group got a private meeting with Speaker GINGRICH. The other group got arrested.

When the American Medical Association sent its high priced lobbyists up to Capitol Hill, they got a closed-door meeting with Speaker GINGRICH and a billion dollar deal. But, the National Council of Senior Citizens didn't get the same reception. Its members got no meeting with the Speaker and no special deals. Instead, they got arrested.

That's right. Fifteen senior citizens were arrested, handcuffed, and led away in a paddy wagon. What was their crime? Asking questions about the Republican Medicare cuts. Here's a photo of 67-year-old Roberta Saxton being handcuffed for asking a question about her health care plan. Welcome to the Gingrich revolution.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE ISTOOK PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I want to talk this morning about one of the many, many provisions, hidden, dirty little secrets to use the phrase of the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Oklahoma [Mr. ISTOOK], and the gentleman from Maryland [Mr. EHRLICH], who are proposing this legislation, buried in their proposal designed to shut down a large part of a cherished American tradition of open and free political speech and political debate. That part of their proposal has to do with compliance and enforcement.

Mr. Speaker, one of the revered principles of American law is the presumption of innocence. One of the bizarre aspects of my colleagues' proposal is that it would create a presumption of guilt. How would it do that? I will tell my colleagues how. In order to be able to be in compliance with these draconian provisions restricting the ability of Americans and American organizations to engage in the political life of

this country, everyone covered by this proposal would be put to the burden of proving compliance, that is, proving their innocence.

Most times when we might be accused or challenged for an alleged violation of law, civil or criminal, it is the burden on those making that allegation, bringing the charges, to prove a violation, but not here. Here the tables are turned and anyone that is challenged on their compliance with the Istook proposal would have to prove compliance, prove their innocence.

Mr. Speaker, that is bad enough, but I want to tell Members something more, another dirty little secret hidden in this proposal. That is not only would each of us have to prove our innocence, our compliance, that we are not speaking too much in this country, that we are not too fully engaged in the political life of America, but we would have to sustain a burden of proving that by what the lawyers call clear and convincing evidence.

Most times in civil cases, if you have the burden of proof, all that you have to do is show that your side is right by what is called a preponderance of evidence. You might think of that as 51 percent. But not here. Here you would have to demonstrate your compliance by clear and convincing evidence and, again to give it a kind of quantitative feel, most lawyers would say that is 70, 75, 80 percent.

So that is the kind of really bizarre provision buried in this proposal. Again, that would be bad enough if we were dealing with some normal kinds of enforcement issue, have we violated an environmental law or done something else that has to do with the normal course of business in this country. But this is a regulation designed, intended, constructed to curtail political expression.

I know, Mr. Speaker, you are saying this cannot be true. How can anyone in a freedom loving country like ours write a law intended to constrain, to regulate political expression? But that is what this does.

It would limit what we can do to a percentage of our income, almost all Americans are likely to be covered because of the way this thing is written, and, again, we would be put to the task of proving that we have not overdone it, that we have not been hyperactive politically, and if we cannot prove our compliance, not just by 51 percent but by this clear and convincing evidence standard, what happens? Well, we could be subject to treble damages, to have to pay three times the value of what we might have gotten in value from the Federal Government in any number of different ways of having exceeded our political expression limits for the year.

Mr. Speaker, can my colleagues imagine anything more unfair, more un-American than this kind of intrusion on the hallowed, hallowed principles of freedom of expression, freedom of association guaranteed to each

of us by the Constitution of the United States?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

GET ON WITH AMERICA'S PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I must say that it has been a very rough week for those of us who believe that this is the people's House, and, indeed, the people should be able to come here and ask questions. We found we have not even been allowed to ask questions or even see the Medicare reform. We are told trust us, you are in the hands of your mother. Oh, really? Well, mother is turning into a terror, it seems, as we see what some of these changes are.

This was a very hard week for me, Mr. Speaker, as I watched these people being handcuffed just for coming to ask questions. I have never seen that happen before. This person does not look like a physical threat to anyone, to me, people in wheelchairs, everyone else, and we are supposed to be grateful because they were not put in jail, they were just taken down and booked and then they let them all go.

Today I see in the paper even more of a shock, and I am sure these people will be even more angry, because today's headlines say "Gingrich places low priority on Medicare crooks." Well, now, that makes us feel real good, does it not? It goes on to say that in the area of self-referrals and kickbacks, they have taken all of that out because the doctors did not want it, and that the Congressional Budget Office, remember the Director of the Congressional Budget Office is appointed by the Speaker in his leadership, so part of their team, the Congressional Budget Office estimates that this is going to cost you \$1.1 billion.